IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 11660 of 2004(K)

PETITIONER:

V.O.FELIX VALAYIL, ARYAD SOUTH VILLAGE,
THIMPOLY P.O., ALAPPUZHA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:
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1. **THE KERALA STATE HOUSING BOARD,**
   ALAPPUZHA DIVISION, REPRESENTED BY ITS SECRETARY.

2. **THE STATE OF KERALA REPRESENED BY THE**
   DISTRICT COLLECTOR, ALAPPUZHA.

BY ADV. SRI.P.C.IYPE, SC, KSHB for R1
SRI.A.JAYASANKAR, SC KSHB, TVM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.11660/2004 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PLAINT IN O.S.NO.134/2001 DTD. 8/02/2001 OF THE MUNSIFF'S COURT, ALAPPUZHA.**

EXT.P2: **COPY OF THE ORDER IN I.A.NO.3138/2003 IN O.S.NO.134/2001 OF THE ADDITIONAL MUNSIFF'S ALAPPUZHA DTD. 25/07/2003.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.11660 of 2004

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Dated: 25th June, 2007

JUDGMENT

Ext.P2 order passed by the learned Munsiff on an application seeking to review an earlier order passed by the learned Munsiff to the effect that the valuation of the suit filed by the petitioner is not proper is under challenge. The copy of the order which was sought to be reviewed as per I.A.No.3138/03 upon which only Ext.P2 order issued is not made available. It is seen that though stay of trial of the suit was asked for, this court did not grant the same but ordered only notice. In all probability the suit is already disposed of. I dismiss the Writ Petition giving liberty to the petitioner either to file a fresh Writ Petition (if the suit is not already disposed of) impugning the order which was sought to be reviewed as per I.A.No.3138/03 or to take the grounds raised in this Writ Petition as grounds in the appeal if it becomes necessary for the petitioner to prefer an appeal against the decree, if any, passed against him in the suit. Mr.J.Omprakash, counsel for the petitioner submits that the time for preferring appeal against the regular decree is already over. I am sure that if the petitioner prefers appeal against the regular decree within four weeks from today, the appellate court will exclude the time during which this

Writ Petition was pending before this court for the purpose of limitation under Section 14 of the Limitation Act.

srd **PIUS C.KURIAKOSE, JUDGE**